



Paper No. 6

Walter W. Duft
Law Offices of Walter W. Duft
Suite 10
10255 Main Street
Clarence, NY 14031

COPY MAILED

FEB 10 2004

OFFICE OF PETITIONS

In re Application of
Richard M. Timms
Application No. 10/035,802
Filed: November 9, 2001
Attorney Docket No. 1550-71b

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 29, 2004, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed January 30, 2002. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned March 30, 2002.

In response to the Notice to File Missing Parts, petitioner filed the instant petition claiming status as a small entity. Therefore, petitioner submitted with the instant petition \$665 for the petition to revive fee, \$385 for the filing fee, and \$65 surcharge for the late filing fee.

Since the requirements for a grantable petition have been met, the petition is **GRANTED**.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (703) 308-6711.

Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy